



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,182	10/12/2001	Ernst F. Reichwein	43299.830001.002	2964

7590

05/04/2005

Brian P. Kinnear
HOLLAND & HART LLP
555 Seventeenth Street, Suite 3200
P.O. Box 8749
Denver, CO 80201

EXAMINER

NGUYEN, CUONG H

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,182

Applicant(s)

REICHWEIN ET AL.

Examiner

CUONG H. NGUYEN

Art Unit

3661

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the communication received on 10/12/2001.
2. Claims 1-20 are pending in this application.

Drawings

3. This application has been filed with drawings which are acceptable for examining purposes.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

4. **Claims 1-12, 15-20 are rejected under 35 U.S.C. § 102(e) as being anticipate by Joao (US Pat. Publication 2002/0016655 A1).**

A. As per claims 1, 5, 11, 15-17, and 20: Joao teach an interactive communication system enabling a driver (a lay person) to communicate operating symptoms of an a vehicle/equipment to skilled service personnel, to enable said service personnel to perform service on said vehicle/equipment in accordance with said operating symptoms (see Joao, Fig.1), comprising:

- sensors associated with said vehicle/equipment (see Joao, Fig.12A refs. 205-206 - this indicates that vehicle's diagnostic sensors are obtained symptoms, a driver obtains those diagnostic information); said sensor array providing a plurality of outputs indicative of a plurality of operating symptoms of said equipment that occur as said driver/lay person operates said vehicle/equipment;
- a memory means associated with said vehicle/equipment (see Joao, Fig.12C ref.213- vehicle data are recorded into a memory);
- a first control means responsive to an action by said driver/lay person (see Joao, Fig.12A ref.205 wherein the driver process vehicle problem(s) information):
 - actuation of said first control means operating; to cause outputs of said sensors to be stored in said memory means when said driver/lay person actuates said first control means (see Joao, Fig.12A refs. 205-206);
 - a query generator at a service site (see Joao, Fig.1 ref. 60 – a query is generated from a SERVICE PROVIDER 60 and sending to VEHICLE COMPUTER 30) for generating a symptom-related query:
 - a presentation device for receiving said symptom-related query and for presenting said symptom-related query to said driver/lay person (see Joao, Fig.12B refs. 207, 208, 209);
 - a second control means responsive to an action by said driver/lay person in response to said symptom-related query (see Joao, Fig.12B refs.211-212 wherein a driver makes decisions about those symptoms); and said second control means being operable to provide a content of said memory means to said service site (see Joao, Fig.1, ref.60) for analysis by said service personnel (see Joao, Fig.12C refs. 213, and 217 – service personnel used available stored current vehicle data);

o Joao also teaches about generating/presenting a report list after receiving said symptoms (to be used by said service provider/driver - see Joao, para [0288], Fig.2 refs. 10I, and 10E).

B. As per dependent claims 2, 6, 9, and 18-19: Joao teaches an interactive communication system of claim 1 wherein said service site (60) and said vehicle/equipment are located at geographically remote sites and wherein the Internet is utilized to send said symptom-related query and said content of said memory means (see Joao, Fig.1, and claims 9-10, wherein VEHICLE COMPUTER 30 is remotely communicated to a VEHICLE SERVICE PROVIDER COMPUTER 60 via Internet).

Joao suggests a memory to downloading/transmitting the recorded operating conditions/information to a VEHICLE SERVICE PROVIDER COMPUTER (60) (see Joao, the abstract, and claim 1)

C. As per dependent claims 3, 7, and 10: Joao teaches an interactive communication system of claim 2 wherein said equipment is an automobile, and service sites are for vehicle services (see Joao, Fig.1 refs. 30, 60)

D. As per dependent claims 4, and 8: Joao teaches an interactive communication system of claim 3 wherein said first control means is associated with a portion of said automobile that is utilized as said automobile is operated – a driver actuates vehicle's diagnostic system while said automobile's engine is running (see Joao, Fig.1).

E. As to claim 12: Joao teaches an inherent fact that a driver senses vehicle's operating conditions of different vehicle components by watching/smelling/hearing/tasting/touching, and reporting sensing symptoms (see Joao, the abstract, and Fig 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Dependent claim 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Joao (US Pat. Publication 2002/0016655 A1).

A. As per claim 13: The rationales and reference for rejection of claim 11 above are incorporated.

Joao does not disclose about instructing a driver how to leave said vehicle with said service provider for repairs; and how and when to claim said equipment following service of said equipment by said service provider.

However, the examiner respectfully submits that instructions for that claimed idea have been already printed in a vehicle drop-off slip (e.g., expected date and time for services plus a common sense of the driver for a symptom) that have been available at service stations.

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the idea of Joao with printed instructions to a driver how to leave said vehicle for repairs; and how and when to pick-up that vehicle to save time and efforts of the driver by knowing in advance proper servicing procedures.

6. Dependent claim 14 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Joao (US Pat. Publication 2002/0016655 A1), in view of Koether (US Pat. 5,875,430).

The rationales and reference for rejection of claim 13 above are incorporated.

Joao does not disclose about capturing a signature of a person to provide authorization to a service provider.

However, Koether provides that idea for authorization a service (see Koether, 10:45-57).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the idea of Joao with Koether's teaching to include a captured signature because that signature authorizes a repair person to perform a service on that vehicle.

Conclusion

6. Claims 1-20 are not patentable.

7. These prior art have related subject matter to this pending application:

- "Connecting with customers", Business Line; Jul. 16, 1998.
- "Computer guide: systems, hardware, software", Chilton's distribution; vol.82, p. 74(3); Mar. 1983.
- "Voice of the industry", Modern Casting, vol.88, p. 32(1); Oct. 1998.
- Gregory Hale, "Virtual Tug of War", Computer Reseller News; n633, p.35(8); June 5, 1995.
- Michael W. Armstrong, "Defense firm analytics going public; Willow Grove company seeks \$5.9 million through IPO", Philadelphia Business Journal, vol.6 n43, p.1(2), 1/11/1998.
- Gray, (US Pat. 5,214,582 – 5/25/1993) Interactive diagnostic system for an automotive vehicle, and method; wherein an interactive diagnostic system is disclosed herein for use with an automotive vehicle of the type including a network of sensors and

actuators for independently sensing and actuating a number of different functions within the vehicle and an onboard computer for monitoring the sensors and controlling the operation of the actuators. This system provides the automotive service professional with all of the tools necessary to provide precision diagnostic testing on today's computer-controlled cars. This is accomplished by providing the system with means including an external computer for controlling operation of one or more specific actuators independent of the onboard computer and for simulating the operation of specific sensors independent of the actual operation of these latter sensors. At the same time, the electronic data entering and exiting the onboard computer including the actual data associated with the network of sensors and actuators can be continuously monitored and analyzed by the external computer. In this way, the automotive service professional is able to quickly and easily test and trouble shoot the performance of a vehicle's onboard computer and engine electronics down to the component level including specifically its entire network of sensors and actuators.

- **Hughes et al.** (US Pat. 5,557,268 - /17/1996, class 340/933) Automatic vehicle recognition and customer automobile diagnostic system; wherein a system and method for identifying a vehicle for the purpose of displaying diagnostic information to the driver. Each vehicle includes a transponder that transmits an encoded character sequence that is unique to that vehicle. In this way vehicle diagnostic measurements made at the establishment entrance can be associated with the vehicle, and displayed to the customer when the vehicle is recognized again at a service area.

Stewart et al. (US Pat. 5,058,044 – 10/15/1991, class 702/184), Automated maintenance checking system, wherein a system for automatically identifying vehicles, assimilating

data from an identified vehicle, correlating the data with predetermined data and providing a statement of account indicative of a transaction involving the vehicle. The system also provides a service record of the vehicle for use in connection with the transaction. For example, in a car rental environment, the service report is utilized by an attendant to determine if such service items as refilling the fuel tank are necessary. Primarily, data for the service record is provided by sensors located on-board the vehicle. The sensor data may be supplemented by data inputted via a keyboard located on-board the vehicle.


- **Micham**, (US Pat. 5,537,315 – 7/16/1996, class 705/4) Method and apparatus for issuing insurance from kiosk; wherein a method and system in a data processing system for automatically associating a user's signature with a document. The data processing system includes a touch screen display, a central processing unit, a data storage system, at least one document stored within the data storage system, and a pointing device. A document is specified within the data processing system. A signature is received in response to the user touching the touch screen utilizing the pointing device. A signed document is then created by automatically associating the signature with the document.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the examiner where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cuong H. Nguyen


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661